

REMARKS/ARGUMENTS

I. General Remarks and Disposition of the Claims.

Claims 21-24, 26-39, 64 and 65 remain pending in this application. Claims 21-24, 26-39, 64 and 65 are rejected. Applicants respectfully request reconsideration in light of the remarks contained herein.

II. Remarks Regarding Rejection of Claims Under 35 U.S.C. § 103.

A. *Malone* in View of *Tayebi*.

Claims 21, 22, 26-31, 33-37, 39, 64, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,032,662 to Malone, et al. (hereinafter "*Malone*") in view of U.S. Patent No. 6,645,769 to Tayebi (hereinafter "*Tayebi*"). (Office Action at 2.) Applicants respectfully traverse.

Filed herewith, Applicants have provided a Declaration Pursuant 37 C.F.R. § 1.131 establishing a reduction to practice of the present invention prior to the effective date of *Malone*. Accordingly, *Malone* should not be cited as a prior art reference against the present application, and the Applicants respectfully request withdrawal of this rejection with respect to claims 21, 22, 26-31, 33-37, 39, 64, and 65.

B. *Malone* in View of *Tayebi* Further in View of *McKay*.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Malone* in view of *Tayebi* further in view of U.S. Patent No. 2,932,741 to McKay (hereinafter "*McKay*"). (Office Action at 3.) Applicants respectfully traverse.

Filed herewith, Applicants have provided a Declaration Pursuant 37 C.F.R. § 1.131 establishing a reduction to practice of the present invention prior to the effective date of *Malone*. Accordingly, *Malone* should not be cited as a prior art reference against the present application, and the Applicants respectfully request withdrawal of this rejection with respect to claims 23 and 24.

C. *Malone*.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Malone*. (Office Action at 4.) Applicants respectfully traverse.

Filed herewith, Applicants have provided a Declaration Pursuant 37 C.F.R. § 1.131 establishing a reduction to practice of the present invention prior to the effective date of *Malone*. Accordingly, *Malone* should not be cited as a prior art reference against the present application, and the Applicants respectfully request withdrawal of this rejection with respect to claim 32.

D. *Malone* in View of *Parrish*.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Tayebi* in view of U.S. Patent No. 4,055,399 to Parrish (hereinafter "*Parrish*"). (Office Action at 4.) Applicants respectfully traverse.

Filed herewith, Applicants have provided a Declaration Pursuant 37 C.F.R. § 1.131 establishing a reduction to practice of the present invention prior to the effective date of *Malone*. Accordingly, *Malone* should not be cited as a prior art reference against the present application, and the Applicants respectfully request withdrawal of this rejection with respect to claims 23 and 24.

III. No Waiver.

All of Applicants' arguments are without prejudice or disclaimer. Additionally, Applicants reserve the right to discuss additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art. The Declaration Pursuant to 37 C.F.R. § 1.131 submitted by Applicants is sufficient to overcome the obviousness rejections.

SUMMARY

In light of the above remarks and arguments, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicits timely notice of the same. Should the Examiner have any questions, comments, or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone.

Applicants believe that there are no fees due in association with the filing of this Response. However, should the Commissioner deem that any additional fees are due, including any fees for extensions of time, the Commissioner is authorized to debit the deposit account of Halliburton Energy Services, Inc. No. 08-0300, for any underpayment of fees that may be due in association with this filing.

Respectfully submitted,



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